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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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JANA MEDRANO and CRISTIAN TORRES, parents and guardians of Baby A, deceased.

Plaintiffs,

v.

UNITED STATES OF AMERICA;  
MOUNTAIN VALLEY IMAGING OF UTAH, LLP; JOHN C. OLSEN, M.D.; INTERMOUNTAIN HEALTH CARE SERVICES, INC.; JODIE LAYTON d/b/a UTAH VALLEY OB ULTRASOUND; and JOHN DOES I-X.

**THIRD AMENDED SCHEDULING**

**ORDER** Civil No. 2:19-cv-00138-TS-

DBP

**Honorable Ted Stewart  
Magistrate Judge Dustin B. Pead**

Upon additional review of the availability of the parties for trial, (ECF No. 72.) the court enters this Amended Scheduling Order resetting the trial for November and modifying other deadlines.

Pursuant to Federal Rule 16 the following matters are scheduled:

**\*\*ALL TIMES 11:59 PM UNLESS INDICATED\*\***

| <b>5. OTHER DEADLINES</b>  | <b>DATE</b> |
|--|-------------|
| Last day for expert discovery:   | 10/30/2020  |
| Deadline for filing dispositive or potentially dispositive motions:            | 12/30/2020  |
| Deadline for filing partial or complete motions to exclude expert testimony:   | 1/29/2021   |
| <b>6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION</b>                            |             |
| a. Likely to request referral to a magistrate judge for settlement conference: | No          |
| b. Likely to request referral to court-annexed arbitration:                    | No          |
| c. Likely to request referral to court-annexed mediation:                      | No          |

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<sup>1</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

| 7. | TRIAL AND PREPARATION FOR TRIAL   | TIME           | DATE                             |
|----|---|----------------|----------------------------------|
| a. | Rule 26(a)(3) pretrial disclosures <sup>1</sup>   |                |                                  |
|    | Plaintiff(s):   |                | <u>9/03/21</u>                   |
|    | Defendant(s):   |                | <u>9/17/21</u>                   |
| b. | Objections to Rule 26(a)(3) disclosures<br>(if different than 14 days provided in Rule) |                |                                  |
| c. | Special Attorney Conference <sup>2</sup> on or before:                                  |                | <u>10/1/21</u>                   |
| d. | Settlement Conference <sup>3</sup> on or before:  |                | <u>10/1/21</u>                   |
| e. | Final Pretrial Conference:  | 2:30 p.m.      | <u>10/25/21</u>                  |
| f. | Trial   | <u>Length</u>  |                                  |
| i. | Trial   | <u>10 days</u> | <u>8:30 a.m.</u> <u>11/08/21</u> |

- Due to the strictures of the Federal Tort Claims Act, any and all claims against Mountainlands may not be determined by a jury. However, a jury shall be empaneled as to Plaintiffs' claims against all other Defendants and that same jury may act as an "Advisory Jury" to Mountainlands and its employees. Therefore, at the time dispositive motions are decided, the court will address scheduling the matter for a jury trial. The parties have indicated they will require 10 days for the trial should it be necessary.

## 8. OTHER MATTERS

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<sup>1</sup> The Parties must disclose and exchange any demonstrative exhibits or animations with the 26(a)(3) disclosures.

<sup>2</sup> The Special Attorneys Conference does not involve the court. During this conference, unless otherwise ordered by the court, counsel will agree, to the extent possible, on voir dire questions, jury instructions, and a pretrial order. They will discuss the presentation of the case, and they should schedule witnesses to avoid gaps and disruptions. The parties should mark exhibits in a way that does not result in duplication of documents. The pretrial order should include any special equipment or courtroom arrangement requirements.

<sup>3</sup> The Settlement Conference does not involve the court unless the court enters a separate order. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

DATED this 9 December 2020.



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Dustin B. Pead  
United States Magistrate Judge